

DONNA L. SOTO, ADMINISTRATRIX OF THE ESTATE OF VICTORIA L. SOTO et al.	:	SUPERIOR COURT
	:	
Plaintiffs,	:	JUDICIAL DISTRICT OF FAIRFIELD
	:	
v.	:	AT BRIDGEPORT
	:	
BUSHMASTER FIREARMS INTERNATIONAL, LLC, et al.	:	October 3, 2016
	:	
Defendants.	:	

**REMINGTON’S OBJECTIONS AND RESPONSES TO
PLAINTIFFS’ SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Defendants Remington Arms Company, LLC and Remington Outdoors Company, Inc., through their counsel, Swanson, Martin & Bell, LLP, respond to Plaintiffs’ Second Set of Requests for Production of Documents as follows:

DEFINITIONS

1. “The Company” means Remington Outdoor Company, Inc., Remington Arms Company, LLC, and any and all subsidiaries, affiliated brands, and predecessor companies, including but not limited to Freedom Group, Inc. and Bushmaster Firearms, LLC, including their current and former employees agents, officers, directors, and representatives.
2. “AR-15 type rifle” means a gas-operated, magazine fed, AR-15/M16/M4/ACR type rifle, regardless of whether it is semi-automatic or select fire.
3. “Civilian market” means all domestic, non-military, non-law-enforcement potential buyers or consumers of AR-type rifles, including distributors and retailers that sell to civilians.

Unless otherwise specified, this First Set of Interrogatories seeks information from the period January 1, 2006 to the present.

REQUESTS FOR PRODUCTION

1. Annual/corporate reports produced by or at the behest of the Company.

RESPONSE:

Remington objects to this request because it is vague, compound in form and overly broad in time and scope. Plaintiffs' definition of "the Company" includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 when it acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist. This request is also vague because "annual/corporate reports" is not defined.

Subject to and without waiving these objections, Remington will produce BFI Financial Statements, Board of Director Meeting Minutes and Organizational Charts.

2. Annual/corporate reports produced by or at the behest of Bushmaster Firearms International, LLC a/k/a/ Bushmaster Firearms **from 1976 to the present.**

RESPONSE:

Remington objects to this request because it is vague and overly broad in time and scope. Bushmaster Firearms International, LLC ("BFI") was formed in 2006 when it acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist. This request is also vague because "annual/corporate reports" is not defined.

Subject to and without waiving these objections, Remington will produce BFI Financial Statements, Board of Director Meeting Minutes and Organizational Charts.

3. Product catalogues produced by or at the behest of the Company or Bushmaster Firearms International, LLC a/k/a/ Bushmaster Firearms **from 1976 to the present.**

RESPONSE:

Remington objects to this request because it is compound in form and overly broad in time and scope. Plaintiffs' definition of "the Company" includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 when it acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

Subject to and without waiving these objections, copies of BFI catalogues for the years 2006 – 2011 were previously produced (REM 00254 – 00494 and REM 03258 – 3325). Catalogues for the Bushmaster brand for the years 2012 – 2016 will be produced.

4. The Company's Code of Business Conduct and Ethics and/or any similar document regardless of its title.

RESPONSE:

Remington objects to this request because it is vague, compound in form and overly broad in time and scope. Plaintiffs' definition of "the Company" includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 when it was acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

Subject to and without waiving these objections, Remington states that BFI's Employee Policy Handbook will be produced.

5. Any applications or other paperwork related to the issuance or renewal of all Federal Firearms Licenses held by the Company.

RESPONSE:

Remington objects to this request because it is compound in form and overly broad in time and scope. Plaintiffs' definition of "the Company" includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 when it was acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

Subject to and without waiving these objections, Remington states that BFI manufactured and shipped the firearm under its Type 10 Manufacturer of Destructive Devices license (FFL No. 6-01-005-10-2D-00956). Copies of FFL No. 6-01-005-10-2D-00956 BFI – Windham, Maine) and FFL No. 9-86-015-07-9D-02058 (Lake Havasu City, Arizona) will be produced. Remington does not possess a copy of the applications for these FFLs. BFI did not apply for or hold any other license at its Windham, Maine or Lake Havasu City, Arizona locations.

6. Any contracts or other paperwork concerning the Company's relationship with any individuals, companies or other entities identified in response to Interrogatory No. 4.

RESPONSE:

Remington objects to this request because it is compound in form and overly broad in time and scope. Plaintiffs' definition of "the Company" includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the

shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 it was acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

Subject to and without waiving these objections, Remington states that it has previously produced documents identifying LAR Manufacturing as the company that produced, under an ATF variance, XM15-E2S lower receivers used by Bushmaster Firearms and BFI to manufacture AR-type rifles. (REM 03204 – 3211).

7. Any contracts or other paperwork concerning the Company's relationship with any individuals, companies or other entities identified in response to Interrogatory No. 5.

RESPONSE:

Remington objects to this request because it is compound in form and overly broad in time and scope. Plaintiffs’ definition of “the Company” includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 it was acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

Subject to and without waiving these objections, Remington states that it has previously produced documents identifying LAR Manufacturing as the company that produced, under an ATF variance, XM15-E2S lower receivers used by Bushmaster Firearms and BFI to manufacture AR-type rifles. (REM 03204 – 3211).

8. Any contracts or other paperwork concerning the Company's relationship with any entity identified in response to Interrogatory No. 6, subpart d.

RESPONSE:

Remington objects to this request because it is compound in form and overly broad in time and scope. Plaintiffs' definition of "the Company" includes multiple different corporations and limited liability companies, and includes multiple business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC ("BFI") in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 when it was acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

Subject to and without waiving these objections, Remington states that it has previously produced documents identifying BFI's manufacturing facility in Windham, Maine as the location where the firearm was manufactured. Additional documents will be produced showing that the firearm was manufactured by BFI in Windham, Maine in the latter part of 2009. Remington has also previously identified LAR Manufacturing as the company that produced, under an ATF variance, XM15-E2S lower receivers used by Bushmaster Firearms and BFI to manufacture AR-type rifles. (REM 03204 – 3211).

9. Copies of the job descriptions of the individuals identified in response to Interrogatory No. 7 of the Plaintiffs' First Set of Interrogatories. This is a request for the job descriptions of these individuals at the time they held the responsibilities described in Interrogatory No. 7.

RESPONSE:

Remington objects to this request because it is compound in form, overly broad in time and scope, and unduly burdensome. Plaintiffs' definition of "the Company" includes multiple corporations and limited liability companies, and includes multiple different business entities that did not manufacture or sell the firearm that Adam Lanza used in the shooting. The

firearm involved in the shooting was manufactured by Bushmaster Firearms International, LLC (“BFI”) in 2009 at its Windham, Maine location, and shipped from that location by BFI in 2010. BFI was formed in 2006 when it was acquired Bushmaster Firearms, Inc. In 2011, BFI was merged into Remington Arms Company, LLC and ceased to exist.

This request is also overly broad in that it requests job descriptions relating to perhaps hundreds of persons, who had some level of involvement, however minimal, in the marketing, promotion and sale of AR-type rifles over more than a ten year period.

Subject to and without waiving these objections, Remington will produce written job descriptions job for positions with primary responsibility for the marketing and promotion of AR-type rifles by Remington Arms Company, LLC in 2011 when it acquired BFI, by way of a merger, and written job descriptions in its possession for positions at BFI relating to sales and marketing.

10. All documents pertaining to the acquisition of the Bushmaster brand and/or Bushmaster Firearms International, LLC by the Company and/or Cerberus Capital Management.

RESPONSE:

Remington objects to this request because it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Remington states that Bushmaster Firearms International, LLC acquired Bushmaster Firearms, Inc. and the Bushmaster brand in 2006. The Asset Purchase Agreement and related documents will be produced. In 2011, BFI was merged into Remington Arms Company, LLC. The Agreement and Plan of Merger and Certificate of Merger will be produced.

11. Copies of all documents identified in your responses to the Plaintiffs' First Set of Interrogatories.

RESPONSE: Copies of the organizational charts for the years 2006 – 2010, referenced in response to Interrogatory No. 7 will be produced.

12. All documents **from 1999 to the present** that catalogue, discuss, and/or reference any nonmilitary, non-law enforcement assault with an AR-15 type/AK-47 type rifle, or other semiautomatic rifle with a pistol grip, that resulted in injury or death.

RESPONSE: Remington objects to this request because it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. It is also vague and potentially seeks production of documents protected by the attorney-client and work product privileges.

Subject to and without waiving these objections, Remington states that it is generally aware through media reports and other sources in the public domain that there have been reported incidents of persons committing crimes while using firearms, including AR-type rifles. Remington is also aware that rifles of any type are seldom used to commit crimes resulting in injury or death, and that the law enforcement-approved persons who purchase Remington firearms acquire them for lawful purposes, including target shooting, hunting and personal defense. Remington will produce documents in its possession that reference criminal use of an AR-type firearm up to and including 2012.

13. All documents **from 1993 to 2005** concerning the manufacture, modification, or marketing of AR-15 type assault rifles during the federal assault weapons ban.

RESPONSE: Remington objects to this request because it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Remington states that the federal ban on the manufacture and sale of certain semi-automatic rifles expired on September 13, 2004. The rifle used by Adam Lanza in the

shooting was manufactured by BFI in 2009 and was not modified,
manufactured or marketed by BFI during the federal ban.

THE DEFENDANTS,

REMINGTON ARMS CO., LLC and
REMINGTON OUTDOOR COMPANY, INC.

BY: /s/ Scott M. Harrington/#307196

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed on October 3, 2016 to the following counsel:

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